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10/754,082	01/07/2004	Michael J. Shelton	200315809-1	6525
22879 7590 11/14/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 11/14/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/754,082

Applicant(s)

SHELTON ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 06/09/2008 have been fully considered but they are not persuasive.

Examiner's response:

2. Applicant argues with regards to cancelled claim 15 and pending claims 27, 31 and 47 that there is no disclosure in Suzuki directed to specification of an arbitrary aspect ratio from a user. The Examiner respectfully disagrees. Figures 29a and 29b clearly show a subordinate area selection mode in which a user picks up two images of different areas. Each area will have a particular aspect ratio. Therefore by picking up different areas, specifying of different arbitrary aspect ratios is accomplished. This would be very well within the skill level of one of an ordinary skilled in the art to choose an arbitrary area via a mouse, joystick or any such means. This is also the true intent of Suzuki, since Suzuki clearly shows two different areas having different sizes being extracted. A mechanism to extract such an area would have to be known in Suzuki without which an arbitrary area having a corresponding (arbitrary) specification would be so chosen. Therefore Examiner has not erred in making such a determination.

3. Applicant argues regarding claim 13 wherein aspect ratio specification occurs before a digital photograph is taken is not taught in prior art. However Hiroyasu et al. (US PG-PUB 20030210440) teaches aspect ratio specification occurs before a digital photograph is taken (Paragraphs 200-211, figures 51-54).

4. Applicant argues with regards to claims 16 and 17 wherein the arbitrary aspect ratio is specified by a numerical value in the form of height and width is not taught in prior art.

However Hiroyasu et al. (US PG-PUB 20030210440) teaches arbitrary aspect ratio is specified by a numerical value in the form of height and width (Paragraphs 200-211).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 9, 13, 14, 16, 17, 18, 19, 25, 26, 30,32,33, 34, 35 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US Application Publication No. 2001/0040684) in view of Hiroyasu et al. (US PG-PUB 20030210440).

Regarding claim 1, Takahashi discloses a digital camera (100), comprising a user interface (i.e., an inherent user interface displayed on display 7a for a user to make a selection; see paragraphs [0070] and [0082]) that allows the specification of an aspect ratio (i.e., specifying the size of the image in terms of height and width based on different templates; see figure 6 and paragraph [0036]) at which to produce a digital photograph taken by the camera (i.e., processing image data in accordance with a selected template; see paragraph [0071]), and wherein the specification of an aspect ratio is accomplished by indicating a standard photographic print format (i.e., a print format used for conventional silver chloride photographs; see paragraphs [0036] and [0041]).

Takahashi fails to disclose specifying an arbitrary aspect ratio from a user and a preview mode display showing only the portions of a scene within the specified arbitrary aspect ratio by cropping a resulting final photograph to the specified arbitrary aspect ratio.

However Hiroyasu et al. teaches inputting different aspect ratios by the user for a preview image that is being recorded on LCD unit 28 (figures 51-54, Paragraphs 198-211). Kaji clearly teaches in figures 53 and 54 that only a portion of the image as cropped at the specified arbitrary ratio and the final image as shown on the LCD is recorded at the size designated by the user.

Therefore taking the combined teachings of Takahashi and Hiroyasu, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a specifying an arbitrary aspect ratio from a user and a preview mode display showing only the portions of a scene within the specified arbitrary aspect ratio by cropping a resulting final photograph to the specified arbitrary aspect ratio so that the photographer can record the image in an arbitrary size that is appropriate for a user.

Regarding claim 2, Takahashi discloses indicating a standard photographic print format comprises selecting a standard photographic print format from a list of standard photographic print formats (i.e., selecting a print format used for conventional silver chloride photographs from a list of narrowed- down templates; see paragraphs [0036] and [0070]-[0071]).

Regarding claim 9, Takahashi discloses storing the digital photograph at its uncropped size (i.e., storing the actual image data in an image file; see paragraph [0026]), and at least one aspect ratio specification as metadata with the digital photograph (i.e., storing height and width of the actual image in its corresponding file header; see paragraph [0026]).

Regarding claim 13, Hiroyasu teaches aspect ratio specification occurs before a digital photograph is taken (Paragraphs 200-211, figures 51-54).

Regarding claim 14, Takahashi discloses that the aspect ratio specification occurs after the digital photograph is taken (see paragraph [0026]).

Regarding claims 16 and 17 Hiroyasu teaches aspect ratio specification in the form of width and height and in the form of a numerical value. (Paragraphs 200-211, figures 51-54).

Regarding claim 18, Takahashi discloses a digital camera user interface (i.e., an inherent user interface displayed on display 7a of a digital camera 100 for a user to make a selection; see paragraphs [0070] and [0082]) configured to allow a user of the digital camera to specify an aspect ratio (i.e., specifying the size of the image in terms of height and width based on different templates; see paragraph [0036]) at which to produce a digital photograph taken by the camera (i.e., processing image data in accordance with a selected template; see paragraph [0071]), and wherein the specification of an aspect ratio is specified by designating a standard photographic print format (i.e., a print format used for conventional silver chloride photographs; see paragraphs [0036] and [0041]).

Takahashi fails to disclose specifying an arbitrary aspect ratio from a user and a preview mode display showing only the portions of a scene within the specified arbitrary aspect ratio by cropping a resulting final photograph to the specified arbitrary aspect ratio.

However Hiroyasu et al. teaches inputting different aspect ratios by the user for a preview image that is being recorded on LCD unit 28 (figures 51-54, Paragraphs 198-211). Kaji clearly teaches in figures 53 and 54 that only a portion of the image as cropped at the specified arbitrary ratio and the final image as shown on the LCD is recorded at the size designated by the user.

Therefore taking the combined teachings of Takahashi and Hiroyasu, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a specifying an arbitrary aspect ratio from a user and a preview mode display showing only the portions of a scene within the specified arbitrary aspect ratio by cropping a resulting final photograph to the specified arbitrary aspect ratio so that the photographer can record the image in an arbitrary size that is appropriate for a user.

Regarding claim 19, Takahashi discloses that the user interface presents a list of standard photographic print formats, and the user, using a user control, selects a standard photographic print format from a list (i.e., using an inherent control in order to select a print format used for conventional silver chloride photographs from a list of narrowed-down templates displayed on display 7a; see paragraphs [0036] and [0070]-[0071]).

Regarding claim 25, it would be inherent to use a user control in order to select the aspect ratio when a list of aspect ratios is displayed on display 7a (see paragraphs [0036] and [0070]-[0071]).

Regarding claim 26, Takahashi discloses that the aspect ratio is specified using an external device, and the specified aspect ratio is communicated from the external device to the camera (i.e., a personal computer realizing the output setting unit 23 operations; see paragraphs [0030], [0035] and [0083]).

Method claim 34 is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 34 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

Method claims 30 and 35 are drawn to the method of using the corresponding apparatus claimed in claim 2. Therefore method claims 30 and 35 correspond to apparatus claim 2 and are rejected for the same reasons of anticipation as used above.

Method claims 32 and 33 are drawn to the method of using the corresponding apparatus claimed in claim 16-17. Therefore method claims 32 and 33 correspond to apparatus claims 16 and 17 are rejected for the same reasons of anticipation as used above.

Method claim 43 is drawn to the method of using the corresponding apparatus claimed in claim 9. Therefore method claim 43 corresponds to apparatus claim 9 and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 27, 31 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US Patent No. 5,724,579).

Regarding claim 27, Suzuki discloses a digital camera (see figure 1) configured to allow a user the specification of an arbitrary aspect ratio at which to produce a photograph taken by the camera (i.e., a digital camera having an area selection mode for selecting the size, which inherently would set an aspect ratio, of a subordinate image; see figures 29-30, col. 13, lines 1-11, and col. 14, lines 9-17. Figures 29a and 29b clearly show a subordinate area selection mode in which a user picks up two images of different areas. Each area will have a particular aspect

ratio. Therefore by picking up different areas, specifying of different arbitrary aspect ratios is accomplished. This would be very well within the skill level of one of an ordinary skilled in the art to choose an arbitrary area via a mouse, joystick or any such means. This is also in keeping with the true intent of Suzuki, since Suzuki clearly shows two different areas being extracted. A mechanism to extract such an area would have to be known in Suzuki without which an arbitrary area having a corresponding (arbitrary) specification would be so chosen).

Method claims 31 and 47 are drawn to the method of using the corresponding apparatus claimed in claim 15. Therefore method claims 31 and 47 correspond to apparatus claim 15 and are rejected for the same reasons of anticipation as used above.

9. Claims 10-12 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Hiroyasu et al. (US PG-PUB 20030210440).

Regarding claims 10-12, as mentioned in the discussion of claims 1 and 9 above, Takahashi in view of Hiroyasu discloses all the limitations of the parent claim. Official notice is taken that the concept of storing the digital photograph in a JPEG file or a TIFF file, and storing metadata in an APP or in a comment segment in the JPEG file, or in tag data in the case of using a TIFF file is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to try to store the digital photograph in a JPEG file or a TIFF file, and to store the aspect ratio as metadata in an APP or in a comment segment in the JPEG file, or in tag data in the case of using a TIFF file since a person with ordinary skill has good reason to pursue the known options within his or her technical grasp if this leads to an anticipated result.

Method claims 44-46 are drawn to the method of using the corresponding apparatus claimed in claims 10-12. Therefore method claims 44-46 correspond to apparatus claims 10-12 and are rejected for the same reasons of obviousness as used above.

10. Claims 28-29 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent No. 5,724,579) in view of Hiroyasu et al. (US PG-PUB 20030210440).

Regarding claims 28-29, Suzuki fails to teach wherein an arbitrary aspect ratio is specified by a numerical value in have wherein the arbitrary aspect ratio is specified by a numerical value in the form of height and width . However Hiroyasu et al. (US PG-PUB 20030210440) teaches arbitrary aspect ratio is specified by a numerical value in the form of height and width (Paragraphs 200-211). Therefore taking the combined teachings of Suzuki and Hiroyasu, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an arbitrary aspect ratio is specified by a numerical value in the form of height and width in order for the user to know the exact measurements of the final photograph.

Method claims 48-49 are drawn to the method of using the corresponding apparatus claimed in claims 28-29. Therefore method claims 48-49 correspond to apparatus claims 28-29 and are rejected for the same reasons of obviousness as used above.

11. Claims 3-7, 20-24, 36-40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, Hiroyasu et al. (US PG-PUB 20030210440) and further in view of Sakamoto et al. (US Application Publication No. 2002/0033958), hereinafter referred to as Sakamoto.

Regarding claim 3, as mentioned in the discussion of claim 1 above, Takahashi in view of Hiroyasu discloses all the limitations of the parent claim. Takahashi, however, does not explicitly disclose a preview mode wherein the camera indicates, during the preview mode, that a portion of a scene viewed by the camera is outside the specified aspect ratio. Sakamoto, on the other hand, teaches a digital camera with a printing preview mode wherein a printable area and a non-printable area of a scene are displayed on the basis of a printing information (i.e., a mode wherein a user can confirm a printable area included in an image displayed on LCD 106; see figure 21, and paragraphs [0152], [0158], [0159]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a preview mode wherein the camera indicates that a portion of a scene viewed by the camera is outside a specified aspect ratio in the digital camera taught by Takahashi because it would allow the user to "easily confirm" a printable area thus eliminating the need of rephotographing a scene when the user is not satisfied with the selected printable area (see Sakamoto, paragraph [0159]).

Regarding claim 4, Takahashi as modified by Sakamoto discloses that the camera indicates that a portion of a scene viewed by the camera is outside the specified aspect ratio by displaying that portion as grayed out in a display of a preview image (i.e., not displaying the non-printable area as closely and finely as the printable area; see Sakamoto, paragraphs [0152] and [0158]).

Regarding claim 5, Takahashi as modified by Sakamoto discloses that the camera indicates that a portion of a scene viewed by the camera is outside the specified aspect ratio by displaying that portion as blacked out in a display of a preview image (i.e., displaying a trimmed background with black; see Sakamoto, paragraph [0161]).

Regarding claim 6, Takahashi as modified by Sakamoto discloses that the camera indicates that a portion of a scene viewed by the camera is outside the specified aspect ratio by displaying, in a display of a preview image, lines indicating the limits of the specified aspect ratio (i.e., displaying a border line delimiting the printable area; see Sakamoto, figure 21 and paragraph [0161]).

Regarding claim 7, as mentioned in the discussion of claim 1 above, Takahashi discloses all the limitations of the parent claim. Takahashi, however, does not explicitly disclose a preview mode in which the camera does not display any portion, of a scene that is viewed by the camera, that is outside the specified aspect ratio. Sakamoto, on the other hand, teaches a digital camera with a printing preview mode wherein only a printable area is displayed on the basis of a printing information (i.e., a mode wherein a user can confirm a printable area displayed on LCD 106 wherein an original image is trimmed to only show the printable area; see paragraph [0161]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a preview mode in which the camera does not display any portion, of a scene that is viewed by the camera, that is outside the specified aspect ratio in the digital camera taught by Takahashi because it would allow the user to "easily confirm" a printable area thus eliminating the need of re-photographing a scene when the user is not satisfied with the selected printable area (see Sakamoto, paragraph [0159]).

Regarding claims 20 and 24, as mentioned in the discussion of claim 18 above, Takahashi discloses all the limitations of the parent claim. Claims 20-24 have limitations similar to those treated in the above rejection of claims 3-7, and are met by the references as discussed above.

Regarding claims 36 and 40, as mentioned in the discussion of claim 34 above, Takahashi discloses all the limitations of the parent claim.

Method claims 36-40 are drawn to the method of using the corresponding apparatus claimed in claims 3-7. Therefore method claims 36-40 correspond to apparatus claims 36-40 and are rejected for the same reasons of obviousness as used above. It is noted that a border line delimiting the printable area, as taught by Sakamoto in paragraph [0161], has been interpreted as a selection rectangle.

Regarding claim 41, Takahashi as modified by Sakamoto discloses accepting directions for moving the selection rectangle (i.e., designating the area to be printed by shifting the display position of the printable area delimited by a borderline on the display screen; see Sakamoto, paragraph [0162]).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, Hiroyasu et al. (US PG-PUB 20030210440) as applied to claim 1 above, and further in view of Suzuki (US Patent No. 5,724,579).

Regarding claim 8, as mentioned in the discussion of claim 1 above, Takahashi in view of Hiroyasu discloses all the limitations of the parent claim. Takahashi, however, does not explicitly disclose that the camera crops the digital photograph to the specified aspect ratio, and stores the resulting cropped digital photograph. The concept of cropping a digital photograph and storing the cropped photograph is well known in the art, as evidenced by Suzuki (see col. 1, lines 46-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the aspect ratio of a digital photograph in a digital camera, as taught by Takahashi, an to crop said digital photograph to the specified aspect ratio, and store the resulting

cropped digital photograph, as taught by Suzuki, because only the necessary data would be extracted (see Suzuki, col. 1, lines 58-61) at the time of printing.

13. Claim 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, Hiroyasu et al. (US PG-PUB 20030210440), in view of Sakamoto and further in view of Suzuki (US Patent No. 5,724,579).

Regarding claim 42, as mentioned in the discussion of claim 40 above, Takahashi, Hiroyasu as modified by Sakamoto discloses all the limitations of the parent claim. Takahashi as modified by Sakamoto, however, does not explicitly disclose accepting directions for resizing the selection rectangle. The concept of having a resizing selection means to select a portion of an image in a digital camera is well known in the art, as evidenced by Suzuki (i.e., having an area selection means comprising a "size changing means for changing the size of a particular area"; see col. 1, lines). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a resizing capability as taught by Suzuki in the method taught by Takahashi, Hiroyasu as modified by Sakamoto because the user would be able to change the size of the printable area in order to include other elements of the original image in the printable area.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622